

REMARKS

In response to the Official Action dated May 1, 2006 and the decision from the Board of Patent Appeals and Interferences dated February 25, 2009, Applicants submit this Response together with a Request for Continued Examination (RCE).

Specifically, Applicants have amended claims in a manner as shown above. Claims 32 and 33 are added. Support for the claim amendments are found at page 8, lines 14 – 17; lines 25 – 29; and page 8, line 30 to page 9, line 5. Since no new matter has been introduced, entry thereof respectfully requested. Further, Applicants submit that the claim amendments are solely for the purpose of expeditious prosecution of the present application, and does not represent Applicant's consent to the issues addressed in the Official Action.

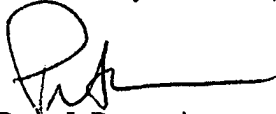
In the Official Action, Claims 13, 14 and 18-31 have been rejected, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 5,304,687 to Bargiotti et al. ("Bargiotti") taken with Kuhl et al. ("Kuhl"), Cancer Chemo. Pharma., 33, 10-16 (1993), Nakamura et al. ("Nakamura"), Gan. To Kagaku Ryoho, 8 Pt 2, 2562-2567 (August 15, 1988) (English Abstract) and Gorbunova ("Gorbunova"), "Intrahepatic Arterial Infusion Chemotherapy for Primary and Metastatic Cancer of the Liver," (1990).

In response, Applicants submit that the remarks in a previously filed Appeal Brief (dated February 1, 2007) and Reply Brief (dated August 14, 2007) are incorporated by reference herein. Moreover, Applicants submit that the technical feature recited in the amended claims, i.e., use of MMDX for the treatment of a liver cancer via intrahepatic administration at an infusion time of from about 15 minutes to about 30 minutes, or as a 5 to 10 minutes bolus, has not been disclosed or suggested by the cited references.

In view of the above remarks, Applicants submit that the instant rejection has been obviated. Reconsideration and withdrawal of the instant rejection is respectfully requested.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'P. Bernstein', with a long horizontal flourish extending to the right.

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